18You shall appoint magistrates and officials for your tribes, in all the settlements that the Lord your God is giving you, and they shall govern the people with due justice. 19You shall not judge unfairly: you shall show no partiality; you shall not take bribes, for bribes blind the eyes of the discerning and upset the plea of the just. 20Justice, justice shall you pursue, that you may
thrive and occupy the land that the Lord your God is giving you.

21 You shall not set up a sacred post—any kind of pole beside the altar of the Lord your God that you may make—or erect a stone pillar; for such the Lord your God detests.

17 You shall not sacrifice to the Lord your God an ox or a sheep that has any defect of a serious kind, for that is abhorrent to the Lord your God.

THREE WORSHIP PROHIBITIONS (16:21–17:1)

21. **sacred post** A standing wooden object at a place of worship. Such objects seem to have been associated with Canaanite deities. Deuteronomy bans them from sanctuaries of the Lord because their presence might eventually lead the Israelites to blur the distinctions between Israelite and Canaanite religions.

22. **Unadorned pillars, like sacred posts, once were regarded as monuments to, or residences of, God and considered legitimate in Israelite religion. Jacob erected one to the Lord at Bethel, Moses set up 12 pillars at Mount Sinai, and Joshua put up one in the sanctuary at Shechem. The distinction between legitimate and idolatrous pillars, however, apparently was too difficult to maintain, and eventually all pillars were outlawed.**

21. **One may not plant a tree alongside an altar to God, lest observers think we are worshiping the tree, as some pagans do. True, God is the creator of the natural world’s beauty and order, and nature is an example of God’s handiwork, but God is not coterminous with the natural world as some scientists and philosophers have believed. Nature may be beautiful, but it is not moral. Therefore, while we may admire nature, we are not to worship it. One commentator reminds us that Abraham planted trees at sites where he worshiped God (Gen. 21:33) and concludes that forms of worship that may have been appropriate at one time may not be appropriate for later generations [Mei Ha-Shilo-ah].**

CHAPTER 17

1. The refusal to deify nature or be seduced by it should not lead us to conclude that we can sacrifice blemished or deformed animals on God’s altar, on the theory that God is not concerned with physical beauty.

HALAKHAH L’MA’ASEH

16:20. **Justice, justice** This verse is the classical source of the Jewish tradition’s demand that we advocate and practice both formal and distributive justice in our interpersonal relations and in society at large. That is, we must judge people using fair procedures (formal justice), and we must ensure that everyone gets at least the minimum of what is necessary to live (distributive justice). See the essay “Justice.”

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2 If there is found among you, in one of the settlements that the Lord your God is giving you, a man or woman who has affronted the Lord your God and transgressed His covenant—turning to the worship of other gods and bowing down to them, to the sun or the moon or any of the heavenly host, something I never commanded—and you have been informed or have learned of it, then you shall make a thorough inquiry. If it is true, the fact is established, that abhorrent thing was perpetrated in Israel, you shall take the man or the woman who did that wicked thing out to the public place, and you shall stone them, man or woman, to death.—A person shall be put to death only on the testimony of two or more witnesses; he must not be put to death on the testimony of a single witness.—Let the hands of the witnesses be the first against him to put him to death, and the hands of the rest of the people thereafter. Thus you will sweep out evil from your midst.

8 If a case is too baffling for you to decide, be

PROSECUTION OF APOSTATES (17:2–7) Worshipping gods violates the 1st commandment, the most fundamental rule of the Covenant. It is a crime that undermines the very existence of Israel as a nation, as reflected in its frequently stated punishment: destruction of the state and exile.

3. turning to the worship of other gods and bowing down to them The phrasing echoes the Decalogue: “you shall not bow down to [other gods] or serve them” (5:9).

to the sun or the moon or any of the heavenly host Heavenly bodies were worshiped in Syria and Canaan before the Israelites settled in Canaan. The practice became prevalent in Judah in the 7th century B.C.E., during the reign of King Manasseh, as a form of assimilation to the Assyrian-Aramean culture of the Assyrian Empire (see 2 Kings 21). Deuteronomy is the only book of the Torah to mention these practices.

5. See Comment to 13:11.

6. As a safeguard against dishonest or mistaken testimony, at least two witnesses are required. This applies to all types of cases, according to 19:15.

7. Let the hands of the witnesses be the first This requirement would impress on the witnesses that by their testimony they are in effect executing the accused. If their testimony is incorrect, initiating the stoning would make them murderers.

rest of the people The execution was performed by the people themselves; there were no appointed executioners.

HIGH COURT OF REFERRAL (vv. 8–13) 8. case is too baffling The judges in the local courts, addressed directly, are to bring such cases to the high court in the chosen place. This is not
it a controversy over homicide, civil law, or assault—matters of dispute in your courts—you shall promptly repair to the place that the Lord your God will have chosen, 9 and appear before the levitical priests, or the magistrate in charge at the time, and present your problem. When they have announced to you the verdict in the case, 10 you shall carry out the verdict that is announced to you from that place that the Lord chose, observing scrupulously all their instructions to you. 11 You shall act in accordance with the instructions given you and the ruling handed down to you; you must not deviate from the verdict that they announce to you either to the right or to the left. 12 Should a man act per-

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**HALAKHAH L’MA-ASEH**

17:9. the magistrate in charge at the time The Sages, understanding “judge” as the literal meaning of the Hebrew word translated as “magistrate,” explained that every generation requires a rabbinical court to apply Jewish law to that generation’s particular circumstances (BT RH 25a–b). Guided by the CJLS, the local rabbi (as mara d’atra, literally, “teacher of the place”) has this authority and fulfills this responsibility for Conservative Jews (see Exod. 18:21–22).

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DEUTERONOMY 17:13  shoftim

"Whoever announces the court's decision . . ."

"Even though the case in question may not have been a capital case, disobeying the nation's highest tribunal threatens the entire social order and is dealt with severely as a deterrent.

THE KING (vv. 14–20)

The law about the king continues Deuteronomy's policy of limiting the power and prestige of human authorities. It says nothing about the king's authority or obeying him or about any governmental functions performed by him. The only positive responsibility that Deuteronomy assigns the king is copying and studying God's Teaching. The aim of this law is to limit the king's power and to emphasize that he is as much subject to God's law as are the people as a whole. These aspects of the law were influential in the development of western constitutional monarchy.

The view of the monarchy expressed here contrasts sharply with that of neighboring Mesopotamia, where the monarchy was seen as an institution created by the gods early in human history and indispensable for the welfare of society. The Mesopotamian king was the lawgiver; he was inspired by the gods with the wisdom to make laws, but the laws themselves were his. In neighboring Egypt, the king was believed to be a god; he was the law.

14. Most of the neighboring states had monarchies long before they came to Israel. When the people demanded that Samuel establish a monarchy, they stated that this would make them "like all the other nations" (1 Sam. 8:20). Deuteronomy, by mentioning only this motive for wanting a monarchy, characterizes the institution as unnecessary and unworthy.

15. The appointment of a king is optional. The monarchy is the only office so characterized. God's choice would be communicated by a prophet. No reason is given for requiring that the king not be a foreigner. It is likely that a foreigner would be objectionable because he would not be a loyal monotheistic worshiper of the Lord and might lead the people into apostasy.

16. For cavalry and chariots.

applies only if a judge decides a case contrary to the prior ruling of the high court; but a judge who as a teacher advocates contrary to that ruling is not punished [M Sanh. 11:2].

14–15. This passage also can be read as mandatory. Commentators differ as to whether having a king is a mitzvah [obligation] or a concession to human frailty. Note that an Israeliite king, unlike many other ancient kings, was not considered to be a god or of divine birth. He would be approved by God, and he would be a servant of the people and of God. The requirement that the king write [or have written for him] a scroll of the Torah [v. 18], symbolically makes the point that the king is not above the law. He is subject to the law.
Egypt to add to his horses, since the LORD has warned you, “You must not go back that way again.” 17 And he shall not have many wives, lest his heart go astray; nor shall he amass silver and gold to excess.

18 When he is seated on his royal throne, he shall have a copy of this Teaching written for him on a scroll by the levitical priests. 19 Let it remain with him and let him read in it all his life, so that he may learn to revere the LORD his God, to observe faithfully every word of this Teaching as well as these laws. 20 Thus he will not act haughtily toward his fellows or deviate from the Instruction to the right or to the left, to the end that he and his descendants may reign long in the midst of Israel.

The levitical priests, the whole tribe of

send people back to Egypt Egypt was an exporter of horses.

17. many wives A large harem would distract the king from God’s teachings as well as from performing his responsibilities.

18. when he is seated on his throne As soon as he takes the throne, he shall have a copy of this Teaching written for him on a scroll by the levitical priests Better: “he shall write a copy of this Teaching for himself on a scroll from the one that is in the charge of the levitical priests.” The king makes his copy from the original given to the priests by Moses after he finished writing it (31:9,24–26), including the laws of chapters 12–16.

copy Hebrew: mishne; literally, “a double,” “a copy.” A later interpretation, current in Second Temple and Rabbinic times, was “repetition.” On that basis, the phrase “a copy of [the] Teaching” (mishnei ha-torah) was taken to mean “repetition of the Torah.” Because Deuteronomy repeats law and history known from the earlier books of the Torah, talmudic literature aptly uses Mishnei Torah as the name of this book. This is also the meaning of the Septuagint’s translation of the phrase: deuteronomion, “a second Law,” which became the Greek name of the book and, ultimately, led to its English name, “Deuteronomy.”

19. let him read in it The king is to be a constitutional monarch, subject to the laws of God’s Teaching (torah). Nothing expresses this more clearly than the requirement that he personally make a copy of the Teaching and study it constantly. The practice of kings studying texts, in some cases expressly written for their guidance, is known from elsewhere in the ancient world. A noteworthy feature of this concept in Deuteronomy is that the king must study the same law that is addressed to the entire people rather than one applicable to himself alone.

to revere . . . to observe The two aims of studying the Torah are to inculcate reverence for God and to learn how to fulfill His commandments properly.

20. not act haughtily toward his fellows That is, so that he will not oppress them or engage in the excesses forbidden in verses 16–17.

fellows Literally, “brothers.” This underscores the essential equality of the king and the other citizens. He is not their master.

or deviate from the Instruction That is, violate God’s laws and worship other gods.

ENDOWMENTS OF THE CLERGY (18:1–8) Deuteronomy differs significantly from the earlier books of the Torah with regard to who may be
Levi, shall have no territorial portion with Israel. They shall live only off the Lord’s gifts as their portion, and shall have no portion among their brother tribes: the Lord is their portion, as He promised them.

3 This then shall be the priests’ due from the people: Everyone who offers a sacrifice, whether an ox or a sheep, must give the shoulder, the cheeks, and the stomach to the priest. You shall also give him the first fruits of your new grain and wine and oil, and the first shearing of your sheep. For the Lord your God has chosen him and his descendants, out of all your tribes, to be in attendance for service in the name of the Lord for all time.

If a Levite would go, from any of the settlements throughout Israel where he has been residing, to the place that the Lord has chosen, a priest and what the public is required to give...
he may do so whenever he pleases. He may serve in the name of the Lord his God like all his fellow Levites who are there in attendance before the Lord. They shall receive equal shares of the dues, without regard to personal gifts or patrimonies.

9When you enter the land that the Lord your God is giving you, you shall not learn to imitate the abhorrent practices of those nations. Let no one be found among you who consigns his son or daughter to the fire, or who is an augur, a soothsayer, a diviner, a sorcerer, one who casts spells, or one who consults ghosts or familiar spirits, or one who inquires of the dead. For anyone who does such things is abhorrent to the Lord, and it is because of these abhorrent things that the Lord your God is dispossessing them before you. You must be wholehearted with the Lord your God. Those nations that you are about to dispossess do indeed resort to soothsayers and augurs; to you, however, the Lord your God has not assigned the like.

8. without regard to personal gifts or patrimonies The share of individual priests is not to be reduced even though they may have other resources.

THE PROPHET (vv. 9–22)

Prophets were among the leaders of society, along with priests; elders; and, in monarchic times, kings and royal officials. Some prophets, in fact, were influential members of the royal court. Deuteronomy strengthens the authority of the prophet by affirming that he or she is the successor of Moses and the only legitimate channel of communication with God. This is in contrast to what Deuteronomy states of the king, whose power it limits.

9. abhorrent practices Procedures for practicing magic or divination, invoking occult powers. Such procedures are objectionable because they seek to circumvent God.

10. consigns his son or daughter to the fire Literally, “passes his son or daughter through the fire.” Refers either to child sacrifice or to a non-lethal ceremony, such as fire-walking while carrying a child.

an augur, a soothsayer, a diviner These individuals practice techniques as diverse as belomancy (interpreting the way arrows fall when shaken out of a quiver) and hepatoscopy (interpreting the configurations of the liver of a sacrificial animal).

11. one who casts spells A practitioner of magic, like a sorcerer in verse 10.

one who consults ghosts... one who inquires of the dead These are mediums, practitioners of necromancy, who act on the assumption that the spirits of the dead know hidden things and the future and can reveal them to those who know how to contact them.

12. abhorrent to the Lord It is because of such detestable practices that God is driving out the Canaanites.

13. wholehearted Undivided in your loyalty.

HALAKHAH L’MA’ASEH
18:10. an augur, a soothsayer, a diviner, a sorcerer The Torah prohibits such occult sciences as fortune-telling and satanism (BT Sanh. 65a). Magic for purposes of entertainment is permitted.
15. The Lord your God will raise up for you a prophet from among your own people, like myself; him you shall heed. This is just what you asked of the Lord your God at Horeb, on the day of the Assembly, saying, “Let me not hear the voice of the Lord my God any longer or see this wondrous fire any more, lest I die.” Whereupon the Lord said to me, “They have done well in speaking thus. I will raise up a prophet for them from among their own people, like yourself: I will put My words in his mouth and he will speak to them all that I command him; and if anybody fails to heed the words he speaks in My name, I Myself will call him to account. But any prophet who presumes to speak in My name an oracle that I did not command him to utter, or who speaks in the name of other gods—that prophet shall  

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15. This is the continuation of verse 14, indicating that Israelites are to turn to prophets for the services that pagans seek from diviners and magicians. Because prophets are raised up by God, who will put His word in their mouths, they are His agents. By turning to them one turns to God.

prophet . . . like myself  No future prophet would ever be enough “like” Moses to be his equal. The comparison here refers only to the prophetic role that Moses played as God’s spokesman.

16. The people’s words at Horeb are quoted in a paraphrase from 5:22. Only the first words of the people are quoted. This method of quotation (common in the Midrash) presumes that the listeners or the readers are intimately familiar with the text and will fill in the rest.

18. I will raise up a prophet  This statement by God is not found in chapter 5. The text must regard it either as a free paraphrase of 5:25–28, or as something additional that God said to Moses at the time.

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13. Hence the use of astrology is prohibited (BT Pes. 113b).

15–22. God promises to show enduring concern for Israel by sending them prophets. In the Bible, a prophet is not someone who tells the future, stealing knowledge from God and sharing it with the people. (See the definition of a gentile prophet in vv. 10–11, “a soothsayer, a diviner, . . . one who casts spells, or . . . consults ghosts.”) A prophet is someone who tells the truth. The prophet does not tell us what we want to know but rather tells us what God wants us to know, reminding us of our covenantal obligations. “The prophet is a person
Die.” 21 And should you ask yourselves, “How can we know that the oracle was not spoken by the Lord?”—22 if the prophet speaks in the name of the Lord and the oracle does not come true, that oracle was not spoken by the Lord; the prophet has uttered it presumptuously: do not stand in dread of him.

19 When the Lord your God has cut down the nations whose land the Lord your God is assigning to you, and you have dispossessed

21. Because the people will rely on the instructions of prophets for vital matters, they need a criterion for identifying oracles that are not truly from God. Verse 22 answers that the false oracle is one that does not come true. The oracles in question must have included predictions foretelling the consequences of obeying or disobeying the prophet’s instructions. The failure of a prediction to materialize would show the oracle to be false.

22. do not stand in dread of him Because the prophet is a fraud, you need not be afraid to punish him or her.

JUDICIAL AND MILITARY MATTERS (19:1–21:9)

THREE LAWS PERTAINING TO THE COURTS (19:1–21)

ASYLUM CITIES (vv. 1–13)
The designation of three cities as asylums serves to control the ancient practice of blood vengeance. In tribal societies, where there is no strong central authority, the kinship group is the primary defender of its members’ lives. When a person is killed, his or her kinsmen are obliged to “redeem” the blood by slaying the killer. In its earliest form, blood vengeance was exacted whether or not the killing was intentional. Biblical law limits execution to cases of deliberate murder. Because victims’ families may not recognize that a killing was accidental, asylum cities are established. Once safely inside an asylum city, the killer is protected until a court of law determines whether or not the act was intentional. This subject is also dealt with in Exod. 21:13–14 and Num. 35:9–34.

who sees the world with the eyes of God, who holds God and man in one thought at one time, at all times” (Heschel).

22. This passage intimates that a true prophet is one whose predictions come true, whereas the utterances of a false prophet do not. Centuries later, the prophet Jeremiah offered a more thoughtful distinction: If the message is painful for the prophet to utter and painful for the people to hear, it is likely authentically from God [Jer. 28:8–9]. But if prophetic words are popularly received, we have reason to doubt them, and the prophet would have reason to doubt the authenticity of the message as well.

CHAPTER 19
Returning to the theme of administering justice, the Torah would have us judge the act of causing another’s death not only by examining the deed but also by evaluating the motivation behind it. A deliberate murderer is punished severely because of the holiness of the life taken. An inadvertent manslayer is protected because his or her life is holy. Nehama Leibowitz points out that in the Torah, the cities of refuge were established to protect the inadvertent manslayer from vengeance at the hands of the dead person’s family. By the time of the Talmud, the lust for vengeance had been reduced, and the cities of refuge came to represent not protection but the punishment of exile (perhaps modeled after Cain, the first manslayer, who was punished with exile).
them and settled in their towns and homes, 2you shall set aside three cities in the land that the Lord your God is giving you to possess. 3You shall survey the distances, and divide into three parts the territory of the country that the Lord your God has allotted to you, so that any manslayer may have a place to flee to. —4Now this is the case of the manslayer who may flee there and live: one who has killed another unwittingly, without having been his enemy in the past. 5For instance, a man goes with his neighbor into a grove to cut wood; as his hand swings the ax to cut down a tree, the ax-head flies off the handle and strikes the other so that he dies. That man shall flee to one of these cities and live. —6Otherwise, when the distance is great, the blood-avenger, pursuing the manslayer in hot anger, may overtake him and kill him; yet he did not incur the death penalty, since he had never been the other’s enemy. 7That is why I command you: set aside three cities.

8And when the Lord your God enlarges your territory, as He swore to your fathers, and gives

**Three Original Cities and Their Function** (vv. 1–7)

2. three cities in the land  Literally, “in the midst of the land.” The three cities Moses set aside earlier are east of the Jordan and, therefore, not “in the midst” of the Promised Land (4:41–43). These three cities are Kedesh in the tribal territory of Naphtali, Shechem in Ephraim, and Hebron in Judah (Josh. 20:7).

3. survey the distances  Measuring the distances will ensure that the cities are centrally located in the regions they serve.

4. and live  That is, be granted protection in one of the cities. Deuteronomy does not state how long accidental killers stay in the asylum city. According to Num. 35:28, however, they must remain there until the death of the High Priest, after which they may leave.

5. blood-avenger  Literally, “the redeemer of the blood,” the relative who executes the killer.

It was the ancient obligation of relatives to “redeem”—i.e., rectify—vital losses suffered by their kin when the latter were unable to do so. This included redeeming an enslaved kinsman, redeeming his real estate, marrying his widow, or receiving reparations due his estate.

**Additional Cities** (vv. 8–10)

8. enlarges your territory  To Deuteronomy, the territory promised to the patriarchs reached as far as the Euphrates in the north (see 1:7–8, 11:24). The Book of Joshua states that Joshua conquered the land from the Negev in the south up to Mount Hermon in the north. This chapter indicates that conquest of the remaining territory, up to the Euphrates, was contingent on Israel’s fulfilling God’s commandments. According to Judg. 2:20–3:4, God eventually canceled the promise of the remaining territory because of Israel’s disobedience.
you all the land that He promised to give your
fathers—9 if you faithfully observe all this In-
struction that I enjoin upon you this day, to love
the Lord your God and to walk in His ways at
all times—then you shall add three more towns
to those three. 10 Thus blood of the innocent will
not be shed, bringing bloodguilt upon you in
the land that the Lord your God is allotting
to you.

11 If, however, a person who is the enemy of
another lies in wait for him and sets upon him
and strikes him a fatal blow and then
flies to
one of these towns, 12 the elders of his town shall
have him brought back from there and shall
hand him over to the blood-avenger to be put
to death; 13 you must show him no pity. Thus
you will purge Israel of the blood of the inno-
cent, and it will go well with you.

14 You shall not move your countryman’s

9. three more towns These are in addition
to the first three and the three previously assigned
in Transjordan (4:41–43). There would be a total
of nine asylum cities.

10. blood of the innocent That is, the blood
of the accidental killer, who does not deserve to
die. If the community fails to prevent his or her
blood from being shed, it will bear the bloodguilt
created by the death. The shedding of innocent
blood brings a palpable, virtually physical stain of
guilt on the entire community (cf. vv. 13,
21:8–9). If it is not eradicated, the welfare of the
community is threatened.

Intentional Murderers (vv. 11–13)

In the ancient world asylums rarely discriminated
between the innocent and the guilty, the inten-
tional and the accidental, but protected all who
reached them. Felons and debtors enjoyed the
sanctuary of temples in Greek cities. Thus biblical
law instituted a revolutionary change in the con-
cept of asylum. Intentional murderers may not
claim protection in the asylum cities (see Exod.
21:14).

12. elders The heads of the leading families
of the political units to which they belong, such
as the nation, the tribe, the region, or the town.

As such, they represent the entire population and
direct its affairs, except when limited by higher
authority. In Deuteronomy, town elders as a
group, and not judges, are specified as the judicial
body in cases involving family law. This includes
cases of the rebellious son, the husband who ac-
cuses his new wife of not having been a virgin,
and the man who refuses levirate marriage. The
elders’ role here may be because blood vengeance
is a concern of the victim’s family.

13. show him no pity Because life is infi-
nitely precious, no economic value can be as-
signed to it. Hence, a murderer may not escape
execution by paying for the victim (cf. Num.
35:31).

purge Israel of the blood of the innocent
Here, the “innocent” is the murderer’s victim.
The shedding of innocent blood initiates guilt
that befouls the entire community; it can be
cleansed only by executing the murderer.

it will go well with you The community’s
welfare is ensured only if the guilt is removed.
When the identity of the killer is not known, see

BOUNDARY MARKERS (v. 14)

14. move Literally, “move back.” You cannot

10. The Talmud derives from this verse
that society is responsible for public safety,
such as keeping the roads in a state of repair
(BT MK 5a).
landmarks, set up by previous generations, in the property that will be allotted to you in the land that the Lord your God is giving you to possess.

A single witness may not validate against a person any guilt or blame for any offense that may be committed; a case can be valid only on the testimony of two witnesses or more. If a man appears against another to testify maliciously and gives false testimony against him, the two parties to the dispute shall appear before the Lord, before the priests or magistrates in authority at the time, and the magistrates shall make a thorough investigation. If the man who testified is a false witness, if he has testified falsely against his fellow, you shall do to him as he schemed to do to his fellow. Thus you will move a landmark into another’s property to extend your own. This crime, most easily committed in secret, is regarded as a serious moral offense. One who commits it is cursed in 27:17.

**landmarks** Objects, usually stones, marking property lines.

**set up by previous generations** The fact that the boundaries were established by ancestors gave landowners a deep attachment to the land they inherited and made the inviolability of boundaries more than a matter of property rights.

**WITNESSES (vv. 15–21)**

These two provisions are intended to prevent wrongful conviction on the basis of inadequate or false testimony. No conviction may be based on the testimony of a single witness, and a false witness is to receive the same punishment that the testimony would have brought on the accused.

15. any offense Not only capital offenses, as 17:6 and Num. 35:30 prescribe.

16. If a man appears against another Literally, “If a felonious witness appears against a man and gives false testimony against him.”

17. the two parties . . . shall appear The original litigants in the case.

**before the Lord** This phrase often implies a local sanctuary, but it would be impossible for trials to be held at such sites because they were destroyed when sacrifice was abolished in the provinces (2 Kings 23) to enforce the centralization law of Deut. 12. Possibly, it refers not to the location of the trial but to the fact that judges are regarded as God’s representatives and that He is with them when they adjudicate.

**priests** These priests no doubt live in the town where the case is tried and have not moved to the central sanctuary. Otherwise, the text would have read, “in the place that the Lord your God will have chosen,” as it invariably does when referring to something that takes place there (see, e.g., 17:8,10).

**magistrates** The litigants’ appearance before the judges is not a separate inquiry but part of the original trial mentioned in verse 16.

19. The “law of punishment in kind” (Latin: lex talionis). By this means, the law strives to make the punishment fit the crime perfectly: Whatever
Deuteronomy

1101  DEUTERONOMY 19:20  Shoftim

sweep out evil from your midst; 20 others will hear and be afraid, and such evil things will not again be done in your midst. 21 Nor must you show pity: life for life, eye for eye, tooth for tooth, hand for hand, foot for foot.

20 When you take the field against your enemies, and see horses and chariots—forces larger than yours—have no fear of them, for the Lord your God, who brought you from the land

penalty would befall the accused if wrongly convicted—whether execution, flogging, a fine, or some other punishment—is to be imposed on the false witness.

you shall do to him  Addressed to the court, which executes punishment in the case of false testimony. The court is the aggrieved party because the witness has threatened its ability to judge correctly.

21. The penalty specified in verse 19 is here spelled out in the classic formula of the lex talionis (see Exod. 21:23–25, and Comments to those verses). Had the accused been charged with murder or maiming, the false witness would indeed pay with his or her life or eye, etc. (see Lev. 24:19–20). In other cases, however, the false witness would pay whatever other penalty would have been imposed on the accused.

In the oldest Mesopotamian laws, people who intentionally caused bodily injury were required to pay monetary indemnities. Later, they were punished in kind when the victim was a member of the upper class. In the Bible, punishment in kind applied for all classes of victim, except for slaves (see Exod. 21:26–27). The Talmud holds that monetary fines are to be imposed in all instances except for murder, an example of rabbinic rendering of the law that has the effect of making it more humane.

Nor must you show pity  The court might be reluctant to impose punishment as severe as that which the law requires if the lie were discovered in time and no harm had befallen the slandered party.

LAWS ABOUT WARFARE  (20:1–20)
The laws in this chapter refer to all wars, not only to the imminent conquest of the Land. Harsh as some of them are in the light of modern ideals (if not practice), they limit wanton destruction of life and property and are the oldest known rules of war regulating the treatment of conquered people and territory.

PREPARING THE ARMY  (vv. 1–9)
Deuteronomy does not intend that the Israelites maintain a standing army, at least not one of any significant size. Instead, they are to have a civilian army, or militia, mobilized at times of need and commanded by officers appointed for the occasion. Reliance on a militia rather than a standing army for military needs is another example of Deuteronomy’s dispersal of power among different officials.

1. horses and chariots  Horse-drawn war chariots were essentially mobile platforms for launching arrows and spears. Their speed and maneuverability gave the army that possessed them a tremendous technological advantage. The Israelite foot soldiers who invaded the Promised Land encountered Canaanite chariots.

have no fear  Chariotry has the psychological advantage of being able to surprise and shock the enemy. Moses reminds the people that they have

21. As in Exod. 21:24 and Lev. 24:20, the punishment is not meant to be taken literally; it is a concrete way of saying that wrongdoers should get the punishment they deserve, neither more nor less.
of Egypt, is with you. 2Before you join battle, the priest shall come forward and address the troops. He shall say to them, “Hear, O Israel! You are about to join battle with your enemy. Let not your courage falter. Do not be in fear, or in panic, or in dread of them. 4For it is the Lord your God who marches with you to do battle for you against your enemy, to bring you victory.”

5Then the officials shall address the troops, as follows: “Is there anyone who has built a new house but has not dedicated it? Let him go back to his home, lest he die in battle and another dedicate it. 6Is there anyone who has planted a vineyard but has never harvested it? Let him go back to his home, lest he die in battle and another harvest it. 7Is there anyone who has paid the bride-price for a wife, but who has not yet married her? Let him go back to his home, lest he die in battle and another marry her.” 8The officials shall go on addressing the troops and no cause to panic. That God is with the people Israel in battle is the fundamental principle in the biblical concept of war. Moses’ reference to the Exodus reminds the people that Egypt’s entire army, including its chariots and horsemen, were no match for God, who destroyed them all at the Sea of Reeds (Exod. 14–15).

2. Narratives about wars in the times of Moses, Saul, and David indicate that priests accompanied the army, carrying sacred utensils, trumpets, and the Ark, and consulting God by means of the oracle known as the Urim and Thummim. Deuteronomy, however, appears to expect fewer religious practices to accompany war. The only military role it assigns to the priests is found here, and nowhere does it indicate that the Ark is to accompany the army into battle.

3. The heart of the priest’s message is that the troops should not have the slightest fear. He emphasizes this by expressing it in four different ways.

4. to bring you victory Literally, “to deliver you.” To protect you from the enemy.

5. officials Civilian officials are to be responsible for mobilization, perhaps in each town; there is no mention of military officers until verse 9. Placing civilians in charge of mobilization prevents the military from ignoring the rights of those entitled to deferral.

7. paid the bride-price Literally, “betrothed,” which was normally done by paying the bride-price to the fiancée’s father (see 22:23,29). Once the bride-price is paid, the fiancée is considered legally married even though the consummation has not yet taken place.

lest be die in battle The tragedy of dying before consummating a marriage is also mentioned in Babylonian texts, one of which states that young men and women who were denied this pleasure grieve in the netherworld.

8. The first three deferrals were for the benefit of the individuals deferred. The last deferral is for the benefit of the army as a whole, lest the fear of a few spread to others.

home will they be victorious in battle [Tanḥ. 15].

5–9. Officials are to send home anyone whose death in battle would be especially unfortunate. But why do they not rely on God to prevent tragic death? Although God may work
say, “Is there anyone afraid and disheartened? Let him go back to his home, lest the courage of his comrades flag like his.”

9When the officials have finished addressing the troops, army commanders shall assume command of the troops.  

10When you approach a town to attack it, you shall offer it terms of peace. 11If it responds peaceably and lets you in, all the people present there shall serve you at forced labor. 12If it does not surrender to you, but would join battle with you, you shall lay siege to it; 13and when the Lord your God delivers it into your hand, you shall put all its males to the sword. 14You may, however, take as your booty the women, the children, the livestock, and everything in the town—all its spoil—and enjoy the use of the

**disheartened** Literally, “soft-hearted,” meaning cowardly. Some commentators took this idiom to mean “tenderhearted,” in the sense of compassionate, unable to harm others.

9. **army commanders shall assume command of the troops** Literally, “they [the officials or some higher authority] shall appoint army commanders at the head of the people.” This implies that there are to be no permanent commanders, but only those appointed before each war. This procedure is compatible with the fact that the text deals with a mobilized militia, not a standing army. The commanders were chiefs of 1000s, 100s, 50s, and 10s.

**DEFEATED POPULATIONS** (vv. 10–18)

*The General Rule* (vv. 10–14)

Cities attacked by Israel are to be offered an opportunity to surrender. If they agree, their populations are not to be harmed. If they insist on battle and are defeated, only their men are to be killed. Women, children, and property are to be spared and taken captive.

10. **offer it terms of peace** Offer it shalom, here meaning terms of surrender, a promise to spare the city and its inhabitants if they agree to serve you. The same idiom appears in a letter from the ancient Near Eastern city of Mari: “when he had besieged that city, he offered it terms of submission [salimam].” In an Egyptian inscription, defeated princes of Canaan say shalom when submitting to the Pharaoh.

11. **forced labor** Hebrew: mas, a contingent of forced laborers working for the state. They were employed in agriculture and public works, such as construction. In monarchical times, David imposed labor on the Ammonites, and Solomon subjected the remaining Canaanites to labor.

12. A town that refuses to submit but chooses to fight, is dealt with more severely. The men, who constitute the city’s military strength and its capacity for future rebellion, are killed. Women and children are taken as booty together with cattle and goods.

13. **males** Adult males. According to verse 14, children are spared.

miracles, protecting the righteous from harm, we may never force God’s hand by demanding a miracle—putting good people in danger and expecting God to protect them. We cannot ignore our obligations to make the world a safer and more just place by depending on God to set things right.

10. Peace is always the preferred option. War may be necessary, unavoidable, and morally justified, but it can never be “good.” In war, innocent people always die and lands are devastated.

13–18. The reader recoils from seeing these demands ascribed to God. It is not enough to be told that wars in ancient times were cruel and destructive |wars today are
DEUTERONOMY 20:15 SHOFTIM

15 Thus you shall deal with all towns that lie very far from you, towns that do not belong to nations hereabout. 16 In the towns of the latter peoples, however, which the Lord your God is giving you as a heritage, you shall not let a soul remain alive. 17 No, you must proscribe them—the Hittites and the Amorites, the Canaanites and the Perizzites, the Hivites and the Jebusites—as the Lord your God has commanded you, lest they lead you into doing all the abhorrent things that they have done for their gods and you stand guilty before the Lord your God.

19 When in your war against a city you have to besiege it a long time in order to capture it, you must not destroy its trees, wielding the ax to a number of other practices (see 12:31 and 18:9–14). These are regarded as the Canaanites’ own abominations, not part of the worship of celestial beings ordained by the Lord for the other nations (4:19).

TREES NEAR BESIEGED CITIES (vv. 19–20)

It was common practice in ancient warfare to destroy the enemy’s fruit trees and fields. This weakened its economic potential and hampered its ability to fight again in the near future. It may also have been intended to pressure besieged cities into surrendering before they suffered loss of sustenance and long-term damage.

19. Trees, unlike human beings, are unable to protect themselves by taking refuge within the city. Cuts down a fruit tree, but anyone who destroys household goods, tears clothing, demolishes a building, stops up a spring, or ruins food deliberately, violates the prohibition bal tashhit, ‘you must not destroy’” [MT Kings 6:10]. Many legal systems, including the laws of the United States, permit people to destroy their own property. Jewish law teaches us that we are only the custodians, not the true owners, of our property.
against them. You may eat of them, but you must not cut them down. Are trees of the field human to withdraw before you into the besieged city? 20 Only trees that you know do not yield food may be destroyed; you may cut them down for constructing siegeworks against the city that is waging war on you, until it has been reduced.

21 If, in the land that the Lord your God is assigning you to possess, someone slain is found lying in the open, the identity of the slayer not being known, your elders and magistrates shall go out and measure the distances from

**DEUTERONOMY 20:20**

against them. You may eat of them, but you must not cut them down. Are trees of the field human to withdraw before you into the besieged city? 20 Only trees that you know do not yield food may be destroyed; you may cut them down for constructing siegeworks against the city that is waging war on you, until it has been reduced.

21 If, in the land that the Lord your God is assigning you to possess, someone slain is found lying in the open, the identity of the slayer not being known, your elders and magistrates shall go out and measure the distances from

**DEUTERONOMY 21:21**

If, in the land that the Lord your God is assigning you to possess, someone slain is found lying in the open, the identity of the slayer not being known, your elders and magistrates shall go out and measure the distances from

**UNSolVED MURDER** (21:1–9)

This law seeks to protect the nation from bloodguilt that would befall it because of an unpunished homicide. Numbers 35:33 states that “the land can have no expiation for blood that is shed on it, except by the blood of him who shed it.” When the killer is not identified, making punishment impossible, the law provides for ritual removal of the bloodguilt.

1. Bloodguilt pollutes the land of Israel as well as the people.

   **someone slain** A corpse bearing marks of human violence.

   **in the open** The law focuses on a body found in the open because, given the size and life patterns of ancient towns, unsolved murders would most often take place outside of towns. Within a town, the victim’s cries would usually be heard and the killer detected.

   **not being known** Literally, “not having become known.” The verb is in the past tense, implying that the ceremony is performed some time after the discovery of the body. An investigation was probably to be conducted first to determine whether anybody knew the identity of the killer.

2. Elders and judges from all over the region supervise the measuring to make sure that it is conducted fairly.

**CHAPTER 21**

1–9. Innocent blood shed on Israelite soil pollutes the Land and must be expiated. Maimonides suggests that the publicity will help apprehend the murderer. The Talmud understands the oath of the town elders as an insistence that they did not permit a climate of lawlessness and violence to exist in their community [BT Sot. 45b]. The Midrash takes the oath to mean “in our community, no poor person goes unaided to the point of being driven to a life of crime.” This ceremony, because of its puzzling elements, is listed in Rabbinic texts as a commandment for which there is no apparent reason, along with the goat sent to Azazel on the Day of Atonement and the “red” cow [Lev. 16; Num. 19]. Rabbinic sources report that the ceremony was abolished in the 1st century C.E. because murder had become common and was committed openly.
the corpse to the nearby towns. The elders of the town nearest to the corpse shall then take a heifer which has never been worked, which has never pulled in a yoke; and the elders of that town shall bring the heifer down to an everflowing wadi, which is not tilled or sown. There, in the wadi, they shall break the heifer’s neck. The priests, sons of Levi, shall come forward; for the Lord your God has chosen them to minister to Him and to pronounce blessing in the name of the Lord, and every lawsuit and case of assault is subject to their ruling. Then all the elders of the town nearest to the corpse shall wash their hands over the heifer whose neck was broken in the wadi. And they shall make this declaration: “Our hands did not shed this blood, nor did our eyes see it done. Absole, O Lord, Your people Israel whom You redeemed, and do not let guilt for the blood of the innocent remain among Your people Israel.” And they will be absolved of bloodguilt.

Thus you will remove from your midst guilt for the blood of the innocent, for you will be doing what is right in the sight of the Lord.

3. The nearest town has the responsibility to purge the bloodguilt. In the ancient Near East, a town in or near which a crime took place was required to compensate the victim or the victim’s survivors, because the perpetrator most likely came from there. Biblical law, on the other hand, presumes that it is impossible to pay for loss of life. Hence, it makes no provisions for indemnifying survivors. Its concern is with the jeopardy in which the nation is placed by the unrequited blood that was shed in its midst.

heifer A calf in its first or second year.
never been worked . . . never pulled in a yoke This gives the heifer a ritual character, although its slaughter is not actually a sacrifice.

4. an everflowing wadi This refers to a wadi with a perennial stream, as distinct from one that is full only in the rainy season.

which is not tilled or sown It has never been, or cannot be, tilled or sown.

5. priests Those who are present because of their normal duties. There is no indication of their exact role in the ceremony.

6. shall wash their hands Hands full of blood are a well-known symbol of guilt, and washing the hands a sign of innocence.

7. they shall make this declaration The elders, speaking for their town, declare their innocence.

this blood The blood of the murder victim or the bloodguilt caused by the murder.
nor did our eyes see it done Either “We do not know who the killer is (and are not protecting him),” or “We did not see it happen and stand idly by.”

8. The final stage in the ceremony is the elders’ prayer. Deuteronomy regards this as the crucial element in the ritual of absolution.

Your people Israel The twofold mention of the people emphasizes that the nation as a whole, not only the nearest city, requires absolution because of collective responsibility for bloodshed. Ibn Ezra remarked that the nation needs absolution because it neglected to keep the roads safe.

they will be absolved According to Jewish law, if the killer is later found, he must be executed even though the bloodguilt has been absolved by this ceremony.
FOURTH HAFTARAH OF CONSOLATION

HAFTARAH FOR SHOF’TIM

ISAIAH 51:12–52:12

(Recite on the 4th Shabbat after the 9th of Av, coinciding with the reading of Shof’tim. On the Seven Haftarot of Consolation, see p. 1032.)

Each part of this haftarah—a divine pronouncement of comfort to Zion and the nation—features a pattern of double proclamation. After God tells the people at the outset that “I, I am He who comforts you” (51:12), Jerusalem (also known as Zion) is exhorted to “Rouse, rouse” (51:17) herself from the travail of sorrow and to “Awake, awake” (52:1) to her new destiny of splendor. Finally, the exiles are called on to “Turn, turn away” (52:11) from Babylon and begin the journey to the homeland. These repetitions intensify the divine commands and spotlight the haftarah’s three themes of divine presence, national transformation, and return from exile.

God’s own words (“I, I am He”) introduce the first theme—divine presence, which brings consolation. The Lord comes to comfort the bereaved city (51:12) and to champion His people (v. 22), contending on their behalf against the nations. The divine presence is a reality, returning to Zion as king (52:7–8). God as the fulfiller of promises strikingly declares: “I, the One who promised, / Am now at hand [hinneni]” (52:6). Significantly, at crucial points in their lives Abraham (Gen. 22:1), Jacob (Gen. 31:11, 46:2), and Moses (Exod. 3:4) had responded to God with the same word hinneni (here I am). God’s own use here of hinneni emphasizes divine readiness, sharpening the reality of imminent comfort and renewal. Further, it reinforces the earlier proclamation to Zion: “Behold [hinneni] your God” has come (Isa. 40:10). Once again Zion will be a place for God’s indwelling Glory, a place where the nation shall rest in comfort from its sorrows.

The second recurrent theme—national transformation—is presented through exhortation and contrast. As noted above, the city is bidden to arouse itself from its stupor, for it no longer shall reel from the wrath of God, but shall “arise” from the dust (51:17, 52:2). Images of lowliness and degradation are evoked as memories (51:23), together with themes of bondage and captivity (52:2). By contrast, the people are called on to “loose their bonds” and “put on robes of majesty.”

The third major theme is return from exile. Anticipating the nation’s redemption from Babylon, God refers back to their first servitude in Egypt (52:4). The promised departure from Babylonian captivity becomes nothing less than a new Exodus. Indeed, it will supersede that ancient event (v. 12). The people are encouraged to perceive their liberation in historic terms and to trust that new events will partake of past glories.

RELATION OF THE HAFTARAH TO THE CALENDAR

The destruction of Zion was mourned less than five weeks ago on the fast of Tish·ah b’Av. At that time, the Book of Lamentations was recited, which raised an elegiac cry over Zion: “Far from me is any comforter / Who might revive my spirit; / My children are forlorn, / For the foe has prevailed” (Lam. 1:16). As if to counter this perception of absence and loss, a later prophet in the exile revealed God’s word of presence—“I, I am He who comforts you!” (Isa. 51:12)—and announced a time of joy and redemption. This prophecy now evokes a sense of encouragement and immediacy that is still compelling.
I, I am He who comforts you!

What ails you that you fear
Man who must die,
Mortals who fare like grass?

You have forgotten the Lord your Maker,
Who stretched out the skies and made firm
the earth!

And you live all day in constant dread
Because of the rage of an oppressor
Who is aiming to cut [you] down.

Yet of what account is the rage of an oppressor?

Quickly the crouching one is freed;
He is not cut down and slain,
And he shall not want for food.

For I the Lord your God—
Who stirs up the sea into roaring waves,
Whose name is Lord of Hosts—

Have put My words in your mouth
And sheltered you with My hand;
I, who planted the skies and made firm
the earth,

Have said to Zion: You are My people!

Rouse, rouse yourself!

Arise, O Jerusalem,
You who from the Lord’s hand
Have drunk the cup of His wrath,
You who have drained to the dregs
The bowl, the cup of reeling!

She has none to guide her
Of all the sons she bore;
None takes her by the hand,
19 These two things have befallen you:
Wrack and ruin—who can console you?
Famine and sword—how shall I comfort you?

20 Your sons lie in a swoon
At the corner of every street—
Like an antelope caught in a net—
Drunk with the wrath of the Lord,
With the rebuke of your God.

21 Therefore,
Listen to this, unhappy one,
Who are drunk, but not with wine!

22 Thus said the Lord, your Lord,
Your God who champions His people:
Herewith I take from your hand
The cup of reeling,
The bowl, the cup of My wrath;
You shall never drink it again.

23 I will put it in the hands of your tormentors,
Who have commanded you,
“Get down, that we may walk over you”—
So that you made your back like the ground,
Like a street for passersby.

52 Awake, awake, O Zion!
Clothe yourself in splendor;
Put on your robes of majesty,
Jerusalem, holy city!
For the uncircumcised and the impure
Shall never enter you again.

Arise, shake off the dust”), entered the liturgy through the Shabbat hymn “L’kha Dodi.” Written by Solomon ha-Levi Alkabetz (ca. 1540), it is the latest major liturgical element in the traditional prayer book.

Isaiah 52:1. Jerusalem, holy city! This transfer of priestly holiness to the city as a whole is a late development. Similarly, another post-exilic prophet refers to the land of Judah as “the holy land” (Zech. 2:16).

For the uncircumcised . . . / Shall never enter you again This prophecy effectively inverts the ancient lament: “She [Zion] has seen her Sanctuary / Invaded by nations / Which You have denied admission / Into Your community” (Lam. 1:10).
2Arise, shake off the dust
Sit [on your throne], Jerusalem!
Loose the bonds from your neck,
O captive one, Fair Zion!

3For thus said the Lord:
You were sold for no price,
And shall be redeemed without money.

4For thus said the Lord God:
Of old, My people went down
To Egypt to sojourn there;
But Assyria has robbed them,
Giving nothing in return.

5What therefore do I gain here?
—declares the Lord—
For My people has been carried off for noth-
ing,
Their mockers howl
—declares the Lord—
And constantly, unceasingly,
My name is reviled.

6Assuredly, My people shall learn My name,
Assuredly [they shall learn] on that day
That I, the One who promised,
Am now at hand.

7How welcome on the mountain
Are the footsteps of the herald
Announcing happiness,
Heralding good fortune,
Announcing victory,
Telling Zion, “Your God is King!”

8Hark!

6. My people shall learn My name   When the prophecies of redemption are fulfilled, and God will be manifest as a redeemer (Ibn Ezra), the people shall know that He fulfills the words (Targum, Rashi) spoken in His name by His prophets (Radak). The expression is thus a variant of “And all mankind shall know / That I the Lord am your Savior, / the Mighty One of Jacob, your Redeemer” (49:26).
Your watchmen raise their voices,  
As one they shout for joy;  
For every eye shall behold  
The Lord’s return to Zion.  

9 Raise a shout together,  
O ruins of Jerusalem!  
For the Lord will comfort His people,  
Will redeem Jerusalem.  

10 The Lord will bare His holy arm  
In the sight of all the nations,  
And the very ends of earth shall see  
The victory of our God.  

11 Turn, turn away, touch naught impure  
As you depart from there;  
Keep pure, as you go forth from there,  
You who bear the vessels of the Lord!  

12 For you will not depart in haste,  
Nor will you leave in flight;  
For the Lord is marching before you,  
The God of Israel is your rear guard.

8. every eye shall behold / The Lord’s return  

10. The Lord will bare His holy arm  
This mythic image depicts divine power, as at the Creation and at the Exodus. (Arousal of “the divine arm” was invoked in 51:9–10, a few verses before the beginning of this haftarah.)